Hollywood or Bust: Where IP & Entertainment Law Intersect

IP WEST
Long Beach, CA
October 11, 2017

Janet Fries, Esq.
Drinker Biddle & Reath LLP
1500 K Street, NW
Washington, DC 20005
(202) 354-1333
Janet.Fries@dbr.com
Filmmaker Checklist

- Copyright Preregistration
  Film as Work in Progress
- Copyright Registration
  Screenplay / Finished Film / Promotional Materials
- Trademark Registration
  Name of Company / Name of Series / Individual Name
- Rights of Publicity / Privacy
  Releases / Consents
- Licenses
  Music / Visual Art / Literary Works
Preregistration of Copyrights

- Streamlined process available to protect certain works prior to commercial release
- Six categories of works may be preregistered:
  1. Motion pictures,
  2. Sound recordings,
  3. Musical compositions,
  4. Literary works being prepared for publication in book form,
  5. Computer programs (including videogames), and
  6. Advertising or marketing photographs.
Preregistration – Conditions

- Besides being in an eligible category, work must be:
  1. Unpublished,
  2. In the process of being prepared for commercial distribution (e.g. if photos, at least some have been created and fixed), and
  3. There must be a reasonable expectation of commercial distribution.
Preregistration Procedure

- Online only
- No deposit
- Detailed description (2000 characters, approx. 330 words)
- $140 filing fee
Balancing Copyright with Other Rights

- First Amendment
- Property rights
  - Right of owner of physical work of art to publicly display
  - First Sale Doctrine
- Fair Use
- Statutory Licenses
- Other Limitations
Fair Use (17 U.S.C. § 107)

- Criticism, commentary, news reporting, teaching, scholarship, and research may be “fair use” depending on:
  1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes and whether the use is transformative;
  2. the nature of the copyrighted work;
  3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
  4. the effect of the use on the potential market for or value of the copyrighted work.
## Duration of Copyrights

<table>
<thead>
<tr>
<th>TIMELINE</th>
<th>INDIVIDUAL AUTHOR</th>
<th>MULTIPLE AUTHORS</th>
<th>WORK MADE FOR HIRE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Works created prior to January 1, 1923</td>
<td>Public Domain</td>
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<tr>
<td>Works created after 1978</td>
<td>Life of author + 70 years</td>
<td>Life of last surviving author + 70 years</td>
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Marc Chagall “Pogrom” c. 1943

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Rights Clearance: Musical Works
Rights Clearance: Musical Works

A documentary short set in DC's Lorton Prison about a photography program that offered inmates the skills to survive on the inside and the courage to strive for a stable life on the outside.

IN LORTON'S DARKROOM

A FILM BY KAREN RUCKMAN
Releases

Lily, Alice and Mari: 9 year old girls concerned with climate change. From the film *Save Tomorrow* a Young Voices for the Planet® film.

- Signed releases from all persons depicted
- For minors get signature of parent/guardian
Releases

The Rivertown Kids with folk legend Pete Seeger speaking out musically about renewable energy in *We Sing Out!* – a Young Voices for the Planet® film.

- For use in the film and in related promotion and advertising
- Worldwide in all media now known and yet to be developed
Trademark Protection: Film Series

United States of America
United States Patent and Trademark Office

YOUNG VOICES FOR THE PLANET
Trademark Protection: Film Company
Trademark Protection: Individual Name

United States of America
United States Patent and Trademark Office

PETER BENCHLEY
Title Registries
Joint Authorship

- Multiple Authors (using pseudonym)
- Formation of Entity
- Assignment of Rights to Entity
Thank you!

Drinker Biddle & Reath LLP

1500 K Street, NW
Washington, DC  20005-1209
(202) 842-8800 phone

Other offices
Albany, NY; Chicago, IL; Dallas, TX; Florham Park, NJ;
London, UK; Los Angeles, CA;
New York, NY; Philadelphia, PA; Princeton, NJ;
San Francisco, CA; and Wilmington, DE.

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